United Nations S/2005/825

Security Council

Distr.: General
23 December 2005

Original: English

Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005). The report reflects the situation on the ground as at 12 December 2005.

II. Insecurity in Darfur

2. While reports of violence in Darfur declined from October to November, the confirmed number of civilian deaths due to violence almost doubled, increasing from 70 in October to 120 in November. This lethal increase was caused by both politically motivated attacks and criminal banditry. In particular, two political developments significantly contributed to violence and insecurity during the reporting period.

3. First, an internal leadership struggle continued within the main armed movement in Darfur, the Sudanese Liberation Movement/Army (SLM/A). Shifting loyalties among some SLM/A field commanders created a leadership vacuum in certain areas of Darfur, leading to considerable speculation that the SLM/A split would spur inter-tribal clashes between the Fur and the Zaghawa, the respective tribes of the two rival SLM/A leaders, Abdul Wahid al-Nur and Minni Arko Minawi.

4. Second, a recent influx of military deserters from Chad into Western Darfur has further destabilized the complex security situation in the region. They join Chadian armed opposition groups based in Darfur who engage in a wide range of destructive activities, including cross-border smuggling, cattle-rustling and banditry.

5. In November, Southern Darfur had the highest number of reported incidents of violence, directed against both the local population and international organizations. There were also serious inter-tribal clashes in Southern Darfur between the Falata and the Massalit. Militia attacks on more than a dozen Massalit villages south-west of Gereida occurred from 6 to 17 November, resulting in an estimated 60 deaths, the highest figure recorded in the last year for a single incident. Huts were set on fire, fields and harvested crops were burned, and a total of 15,000 people were displaced. An attack of this scale, occurring over the course of more than one week in an area where the African Union Mission in Sudan (AMIS) is present, is a shocking indication of the Government's continuing failure to protect its own population, and

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of the collective failure of the international community to prevent these horrendous crimes from occurring.

6. In Northern Darfur, the internal difficulties of SLM/A translated into an increasing number of inter-tribal incidents. For example, on 11 November, intra-SLA clashes broke out between the Zaghawa and Meidop tribes. On 13 November, confrontation between Zaghawa and Berti members of SLA resulted in the death of at least 15 people. During the same period, the level of banditry and other forms of criminal violence remained fairly low in Northern Darfur.

7. Western Darfur presented the most complex security environment of the three States. Splinters of various armed groups and significant numbers of infiltrators from Chad engaged in criminally and politically motivated violence. Security in the State deteriorated dramatically during the reporting period, with a direct negative impact on the local population, the safety of internally displaced persons, and the delivery of humanitarian assistance. Looting, break-ins, and bloody clashes between armed militias over the division of stolen goods were commonplace throughout November.

8. On 18 November, the Sudanese Armed Forces carried out operations in the Jebel Moon area, allegedly against Chadian deserters who had moved into the area. A week later, an assessment team from the United Nations Mission in Sudan (UNMIS) visited the area on a fact-finding mission. Following discussions with members of the community in the area, they confirmed that the Sudanese Armed Forces had not only attacked the area, but that helicopter gunships had been used in the operation. Eight people were reported wounded in the area, three of them seriously, including a 13-year-old boy. Furthermore, there was no sign of Chadian deserters as alleged by the Government. A group of Chadians who arrived in Jebel Moon on 29 October promptly left the area under pressure from the local population. The attack by the Sudanese Armed Forces on Jebel Moon was a violation of the humanitarian ceasefire of April 2004 and in contravention of Security Council resolution 1591 (2005); and the interruption of humanitarian activities as a result is inexcusable.

9. Patterns of insecurity in Darfur are dynamic and complex and have a tendency to spiral out of control. Several armed groups, reacting to power vacuums within the region, have begun behaving autonomously. Cattle-raiding and attacks against farmers are still a major element of banditry. The attacks continue although their perpetrators know that they will result in the deaths of many innocent women and children. There is also a clear increase in violent incidents aimed at acquiring logistical material and support. Thus ambush and seizure of vehicles and attacks on fuel tankers have increased dramatically, adversely affecting international organizations working in Darfur.

III. Human rights and protection

10. Civilians continue to pay an intolerably high price as a result of recurrent fighting by warring parties, the renewal of the "scorched earth" tactics by militia and massive military action by the Government. In November alone, up to 20,000 people were forced from their homes. Particularly worrying were the attacks on a high number of villages near Gereida (Southern Darfur), which reportedly involved militia and Government, as well as rebel forces, and resulted in 15,000 civilians,

mostly children and women, being displaced. Ongoing insecurity also continues to force tens of thousands of returnees and residential populations alike to seek refuge near towns and in existing or makeshift settlements of internally displaced persons. In agricultural areas, militias persist in deliberately destroying crops, thereby reducing the prospects for return and economic self-sufficiency.

11. Detentions, intimidation, harassment and looting by the authorities were reported on a daily basis in both Abu Shouk and Al-Salaam camps in Northern Darfur at the beginning of November. The establishment by AMIS of a permanent presence at Abu Shouk camp reduced the incidence of aggression in and around the camp. By contrast, militia attacks on other camps did occur, the most recent one involving the murder of two children (6 and 9 years old) in Fata Borno, Northern Darfur.

12. The incidence of sexual and gender-based violence in and around camps of internally displaced persons remained high throughout Darfur, with reports of assaults coming in on a daily basis. Incidents of kidnapping of village women also continued to be reported; in the Masteri and Geneina areas of Western Darfur up to 20 women went missing in November.

13. The Joint Implementation Mechanism subcommittee on human rights and protection met on three occasions to discuss, inter alia, concerns related to the elimination of violence against women in Darfur, the rules of application for criminal circular 2, relating to the collection of evidence in cases of sexual and gender-based violence, human rights violations in Western Darfur, and access to detention facilities. As reported previously (S/2005/592), on 10 October 2005, the Government approved an action plan to eliminate violence against women in Darfur. I urge the Government to expeditiously implement the action plan and to allow local non-governmental organizations to monitor and evaluate its implementation.

14. I also welcome the amendment to the criminal procedure, rules of application for criminal circular 2, signed by the Minister of Justice on 24 October 2005, which clarified the procedure for the collection of medical evidence and prohibits harassment of medical providers for treatment of victims of sexual violence. The Governor of Southern Darfur has also agreed to amend the procedures affecting victims of sexual and gender-based violence. The amendments will give rape survivors the right to receive medical treatment without completing a form (Form 8); prevent police from forcing their way into medical facilities to interview survivors; and stipulate that medical providers may not be harassed by Government authorities after treating victims of rape. This follows similar decisions taken by the authorities in Western Darfur in June 2005.

15. Despite these improvements in policy, the situation on the ground, with respect to violence against women, has not improved since my last report. The authorities still do not act with due diligence to prevent, investigate and prosecute acts of rape. It is now imperative that words on paper be translated into positive changes regarding women's security on the ground.

16. In Tama, following the brutal attack by militia late in October, a human rights fact-finding mission was sent to the area on 12 November. Preliminary conclusions confirm violations against civilians, including children, namely, arbitrary execution of civilians; cruel and inhumane treatment; looting of property and forced displacement. A death toll of 29 was also confirmed, based on the number of new

graves found. Until now, Government officials have not taken any measures to guarantee serious investigations into the killings.

17. During November, the Special Criminal Court on the Events in Darfur handed down two verdicts, bringing to six the number of verdicts it has issued since its establishment on 7 June 2005. To date, no high-level officials have been convicted and none of the crimes prosecuted related to the violence at the height of the conflict in 2003-2004.

18. On 16 November, the Special Court convicted two members of the Government's Military Intelligence, who held the rank of Private, for the murder of a man who died in the custody of Military Intelligence in Kutum, Northern Darfur, in March 2005. The men were sentenced to death, with the right to appeal. The Chief of police in Kutum was acquitted of murder and a fourth suspect escaped custody.

19. On 23 November, two additional Military Intelligence officers were sentenced in relation to the death in March 2005 of a 13-year-old boy who was in their custody. Despite the fact that the victim's family decided to grant the offenders a full pardon, the Court, exercising its discretion, sentenced the two men to two years' imprisonment for murder.

20. United Nations human rights officers continued to access detention facilities, including, for the first time, SLM/A facilities in the eastern Jebel Marra area. A second visit was conducted to the National Security detention facility in Southern Darfur. Three detainees interviewed at the facility reported being subject to various forms of physical abuse during transfer between military and security jurisdictions and while being questioned. These reports add to a disturbing pattern of mistreatment of detainees by National Security officers during interrogation. Torture is comprehensively prohibited by the Interim National Constitution and by international law. The Government must implement the necessary legal and institutional reforms to ensure that the National Security service is accountable and respects the rule of law.

IV. Humanitarian situation

21. The humanitarian agencies and non-governmental organizations in Darfur have had to respond to sizeable new displacements while struggling to maintain their massive operation in the face of high levels of insecurity. Inter-tribal fighting and attacks by militia and rebels alike on villages throughout Darfur have caused continuous displacements to camps and improvised settlements near major towns. I commend the humanitarian community for its swift reaction and coordinated response to provide relief to the affected populations.

22. Indications are that, as a result of energetic relief efforts, the overall humanitarian situation in Darfur is still under control, despite the dangerous levels of insecurity. In October, World Food Programme and the International Committee of the Red Cross managed to distribute a record 51,000 tons of food aid to nearly 3 million people, a massive achievement under very difficult conditions.

23. I am very concerned, however, about numerous reports of the deliberate destruction and burning of vast areas of cultivated land by militia and nomadic groups. The positive expectations of an 80 per cent increase in crop yields over

2004 may well be wiped out, thereby maliciously prolonging the humanitarian crisis in Darfur. I would also expect the authorities to prevent and halt these types of destructive actions.

24. For the past few months, secure humanitarian access to the affected populations has been extremely difficult, falling to 70 per cent, the lowest access levels since April 2004. Nevertheless, the humanitarian community is taking proactive steps to adapt to these challenges. In Geneina for example, two United Nations helicopters were brought in to transport personnel and deliver humanitarian assistance, alleviating security-related restrictions on road movements of humanitarian personnel and materials. Yet even these extraordinary measures have been vulnerable to the deteriorating security situation. In the face of new and credible threats, the humanitarian community was forced to suspend helicopter flights late in November. In addition to immediate security concerns which may limit the use of helicopters, their use may also prove to be prohibitively expensive in the long run.

25. Humanitarian operations are being impeded in other ways. Despite various pledges and promises made in the past, the authorities continue to resort to the arbitrary arrest and interrogation of Sudanese humanitarian staff. Similarly, SLA has not upheld its promises to ensure freedom of movement for humanitarian personnel. Moreover, it is regrettable that SLA and JEM members continue to impede and obstruct the activities of AMIS. I denounce in particular an incident on 15 November, when 120 SLA soldiers surrounded and entered the AMIS group site in Gereida, Southern Darfur, harassed personnel and detained an interpreter.

26. The Government's decision to seal off the Jebel Moon area in Western Darfur from the humanitarian community in order to conduct military operations, even if they were conducted against a legitimate target, is a violation of existing agreements concerning humanitarian access. In addition, threats made by the renegade member of the National Movement for Reform and Development (NMRD), Djibril Abdul Kareem Barey, to shoot down United Nations helicopters on humanitarian missions in the Jebel Moon area are wholly unacceptable. My Special Representative has, on many occasions, urged the parties to the conflict to safeguard humanitarian operations in Darfur, and to facilitate safe access for the aid workers to carry out their assistance to affected populations.

V. Darfur peace process

27. Following the adjournment of the sixth round of the inter-Sudanese peace talks on Darfur, one element of the SLM/A leadership, led by Minni Minawi, called a conference in Haskanita, a town in eastern Darfur. Although the conference, which began on 29 October, was well attended, including by several field commanders, the chairman of SLM/A, Abdul Wahid al-Nur, as well as the majority of his supporters, refused to participate. The conference in Haskanita culminated in the election of Minni Minawi as the new SLM/A chairman. This election was rejected by Abdul Wahid.

28. During the reporting period, a number of important initiatives were undertaken to repair the SLM/A rift and help to create a conducive environment for the seventh round of Abuja talks, which resumed on 29 November. The first was a meeting of senior officials from donor countries and the United Nations, convened by the

United Kingdom on 1 November in London. Among other things, the meeting discussed how to unite positions within SLM/A ahead of the talks, a number of proposals to end the violence in Darfur, and the post-Abuja period.

29. UNMIS also participated in a meeting held on 8 and 9 November in Nairobi, which was convened by the United States in a high-level effort to reconcile Abdul Wahid and Minni Minawi. Although Abdul Wahid attended the meeting, Minni Minawi did not, but sent a delegation to represent him. The two sides reaffirmed their commitments to the humanitarian ceasefire and to facilitating humanitarian relief efforts.

30. On 12 November, a meeting of Special Envoys convened by my Special Representative in Khartoum, attended by representatives from the African Union, the European Union, Canada, France, Germany, the Netherlands, Norway, the United Kingdom and the United States. The meeting discussed how to facilitate a more unified position within SLM before the talks began. The Envoys also addressed humanitarian and development issues which would need to be addressed after the conclusion of a peace agreement. A paper was presented by UNMIS to the Special Envoys, which focused on the post-Abuja process and discussed the characteristics that would be required of any peace agreement to make it credible and sustainable. These include the need for consistency between a framework for peace in Darfur and the broad framework of the Comprehensive Peace Agreement and the Constitution; respect for the constitutional arrangements already developed with respect to Southern Sudan and the transitional areas; consistency with the national commitment to make unity attractive; flexibility which would allow similar interim arrangements to be worked out in due course for eastern Sudan; measures to effectively enforce a permanent ceasefire; and a clear commitment to the binding nature of the outcome of the talks. Furthermore, the paper suggested that there had to be acknowledgement that other forces needed to become part of the final dispensation; and that there would be an end to transitional power-sharing following elections.

31. At the meeting, it was also recognized that it will be important for the international community to engage the parties on key post-conflict issues that need to be defined in the peace agreement. Some of these issues can also be addressed in more detail in the Darfur-Darfur dialogue, to be held after the conclusion of a final peace agreement on Darfur. This dialogue should also include a strategy for sustainable reconciliation among all communities in Darfur.

32. On 19 November, following the Envoys' meeting in Khartoum, United States Assistant Secretary of State for African Affairs, Jendayi Frazer, and the Head of AMIS, Ambassador Baba Gana Kingibe, jointly facilitated a meeting between Abdul Wahid and Minni Minawi to urge them again to participate constructively and with a united purpose in the seventh round of Abuja talks, notwithstanding the disagreements within the movement. Thereafter, another initiative was led by the Government of Chad, assisted by the Libyan Arab Jamahiriya, Eritrea and the African Union (AU) in N'Djamena on 25 and 26 November. Both Abdul Wahid and Minni Minawi agreed to present a common negotiating platform, to be coordinated with JEM.

33. During the reporting period, my Special Representative also had two bilateral meetings with Minni Minawi, where he underlined the international community's position that divisions within SLM must not detract from the overarching mission of

achieving peace and reconciliation in Darfur before the end of 2005. In addition to urging Minni Minawi to refrain from detaining dissenting commanders, he made clear that the United Nations cannot take a stance in an internal dispute of the movement and urged Minni Minawi to cooperate with Abdul Wahid to ensure that the signing of a peace agreement reached during the next round would result in the cessation of military activities by all.

34. On 29 November, the seventh round of the inter-Sudanese peace talks on Darfur opened in Abuja. All parties pledged to negotiate in good faith, and aimed to reach an agreement by the end of the year. Talks in the power-sharing commission were formally launched the following day, with discussions on wealth-sharing and security arrangements beginning.

35. While the parties have identified priority areas of concern in power-sharing discussions, there remains some distance between their positions, which the AU mediation is attempting to bridge through compromise solutions. It will also be essential for concrete discussions on security arrangements to proceed in earnest as part of overall efforts to stop the violence in Darfur.

VI. United Nations support to the African Union Mission in the Sudan

36. At the end of the reporting period, AMIS had a total of 6,848 personnel in Darfur, comprising 700 military observers, 1,211 civilian police, 47 international civilian staff, 11 Ceasefire Commission personnel and a protection force of 4,879 troops. UNMIS continued to liaise closely with AMIS, through regular contacts with the Khartoum-based Head of AMIS, AMIS personnel in Darfur, and through periodic meetings between the United Nations Assistance Cell and the AU Commission in Addis Ababa. The United Nations Assistance Cell also continued its assistance to the African Union in the areas of operational planning and management.

37. The AU Commission has initiated an assessment mission of AMIS, which began on 10 December and is expected to conclude by 20 December. The AU-led exercise includes the participation of all major partners of AMIS, including Canada, the United Kingdom, the United States, the European Union, and the United Nations. It will undertake an in-depth review of operations of the military and police components of AMIS in relation to the implementation of the Mission's mandate, and in the light of its findings make recommendations on the way forward.

VII. Observations

38. Over the past 18 months, the response of the Security Council to the crisis in Darfur has been consistent and forceful, starting with resolution 1556 (2004) of 30 July 2004, until the most recent presidential statement (S/PRST/2005/48), issued on 13 October 2005. The Council's requests have included the cessation of all violence and attacks, the disarmament and control of the Janjaweed militia, an end to impunity, and a call for a political solution. In March 2005, in its resolution 1591 (2005), the Council decided to impose targeted measures, and in its resolution 1593

(2005) decided to refer the situation in Darfur to the Prosecutor of the International Criminal Court.

39. Despite the breadth of these measures, adopted over an extended period, reports from the ground confirm the marked deterioration in the situation since September, including the proliferation of actors to the conflict, an increase in the number of inter-tribal clashes, the entry of destabilizing elements from Chad, and more instances of banditry. This is a deeply disturbing trend which has devastating effects on the civilian population. Large-scale attacks against civilians continue, women and girls are being raped by armed groups, yet more villages are being burned, and thousands more are being driven from their homes. As we approach the end of 2005, the second full year of conflict in Darfur, regrettably we have to acknowledge that the most urgent needs of millions affected by the war remain largely unmet, including their protection and safety. While countless lives have been saved thanks to a massive humanitarian relief effort led by the United Nations, those most exposed to violence and gross violations of human rights continue to live in fear and terror. This includes the large majority of internally displaced persons, as more camps for the displaced have been attacked in recent months, and violent armed groups are a constant threat in areas surrounding many camps. Even more exposed are those who have managed to remain in their villages.

40. I also note with deep regret that the assessment which was made in the first monthly report to the Security Council on Darfur, in August 2004, still applies: the vast majority of armed militia have not been disarmed, and no major steps have been taken by the Government to bring to justice or even identify any of the militia leaders or the perpetrators of attacks, contributing to a prevailing climate of impunity. I strongly urge the Government of the Sudan once again to take decisive steps to address these manifest failures. All atrocities committed in Darfur must be condemned in the strongest possible terms.

41. As the Security Council has stated repeatedly, ultimately only a political solution can bring an end to the violence and allow some 2 million internally displaced persons and refugees to return. This is why the current round of the Abuja talks is so critical and must be decisive, despite the serious difficulties encountered in the lead-up to the talks, as a result of the division within SLM. Further procrastination should not be accepted. The international community, including my Special Representative, has begun engaging the parties on key post-conflict issues that need to be defined in a peace agreement. However, a peace agreement can result in security and protection only if it becomes widely accepted among the various elements in Darfur, including those not present at the Abuja talks. Sustained dialogue among all parties and an inclusive and long-term reconciliation strategy therefore will have to follow an agreement in Abuja. All Darfurian parties will have to demonstrate their political determination for genuine reconciliation.

42. All of these and other steps will have to go hand in hand with an enhanced international security presence, which should address adequately the deteriorating security situation on the ground. I am very pleased in this context that the African Union, whose effort remains commendable, has decided to lead a second assessment mission from 10 to 20 December with the participation of key partners, including a team from the United Nations. The mission's recommendations on the way forward will help inform the African Union, its partners and the Security Council as they consider the next steps on an urgent basis, including, in the case of the Security

Council, the implementation of its resolutions on Darfur. In the meantime, everything possible should be done to sustain and strengthen the AU Mission and to further enhance protection efforts throughout the region. In particular all parties to the conflict must cooperate with AMIS and those individuals who do not must be held to account.

43. I also appeal to the donor community to respond generously to massive humanitarian needs in Darfur, which were outlined in the 2006 workplan for Sudan, which was presented on 2 December 2005.